

PUBLIC MINUTES (06/17/15)

MEETING CALLED TO ORDER AT 9:20 AM

CHARLES FANARAS, PRESIDENT PRESIDING

MEMBERS PRESENT:

ROBERT STOUT
GARY MERCHANT
JOHN GENOVESE

MIKE BULLEK
HELEN PERVANAS
CHARLES FANARAS

1—APPROVAL OF MINUTES FROM PUBLIC MEETING 5/27/15:

MOTION TO APPROVE: MOTION: BULLEK SECOND: GENOVESE

MOTION PASSES: VOTE: 6-0

2—INTRODUCTION OF MICHAEL DUPUIS AS EXECUTIVE SECRETARY/DIRECTOR;

Board introduced Michael Dupuis to those attending the meeting; Mike joins the Board with vast degree of experience and will bring much needed direction and support to the existing team.

3—PUBLIC HEARING ON PROPOSED RULES- Ph 300 (9AM TO 12 NOON)

The Board reviewed the changes being made to the 300s to bring them into compliance with requests from the Office of Legislative Services and the effect those changes would have on both permit holders and Pharmacist-In-Charge applicants. The proposed rules consolidate the application process for permit holders to just 1 application. There will be check boxes on the application for the applicant to choose from: new application, change in ownership, change in location or change in Pharmacist-in-Charge. By statute any and all of these choices shall require a hearing before the Board. The Board in fulfilling its duties in assuring that the designated pharmacist in charge is qualified to accept this role will require the candidate pass a PIC exam either ahead of time if that process is approved by JLCAR when the 700s are voted on or if that fails during the required hearing before the Board. The Board received no oral comment but accepted in the record the written comments sent to them.

HEARING REMAINED OPEN THROUGH 12 NOON AND AT THAT TIME PRESIDENT FANARAS CLOSED THE HEARING TO FURTHER COMMENT.

4—NEW PHARMACY APPLICATION- SAM'S PHARMACY- MANCHESTER; CAROLYN NADWORN, PIC

The Board took the opportunity to ask the permit holder their feelings on the discussion relating to a PIC exam and how that would affect their business. They commented that if the PIC exam passed they would most likely require all their pharmacists to prepare and take the exam so they would have pharmacists always ready to assume the role of PIC when the need arose. The designee for PIC, Carolyn Nadworn, was asked if she was prepared to answer 15 questions, of which she would need to get 12 correct. She was informed the questions would be related to the rules that have been updated the last 18 months involving technicians, interns, compounding and PMP. She answered honestly she did not think she was prepared to answer these questions and would need time to review. The Board thanked her for her honest response and stated that the issue with not

having a PIC exam would be this: a potential denial of a permit at the hearing which could adversely effect the time table needed for a Corporation/Owner to open on schedule.

MOTION TO GRANT PERMIT:

MOTION: PERVANAS

SECOND: GENOVESE

MOTION PASSES: VOTE: 6-0

5—PRESENTATION ON INDEPENDENT HEALTHCARE MONITORS- DONNA HORN, RPh ;

Ms. Horn and her associates did a power point presentation on their company and services they provide. They work with various Boards of Pharmacy to implement and enforce consent agreements that may arise from medication errors and also both 795 and 797 compliance, particularly in other states where in-state inspectors do not have the ability to perform an inspection. The Board asked numerous questions relating to their successes so far and the process on working with various permit holders on their access to information and the permit holders feelings on having a third party monitor and make suggestions relating to workflow issues. The Board thanked them for their presentation and took this item under advisement.

NO MOTION NEEDED.

6—COMPLIANCE MONTHLY REPORT; MARGARET CLIFFORD; CCI

Ms. Clifford reviewed this month's compliance report. She stated the numbers were down slightly due to various factors. Some vacation time was used as well as sick time. The physician offices visited this month were also smaller practices. Compliance was made aware of a change DEA made to their destruction of control substance policy. It was reviewed as it relates to our Ph 700s but no changes could be made at this time as the activity is controlled by statute. Although the DEA no longer requires many destruction tasks to be Board approved NH statute would need to be changed to allow the Board to match the new policy outlined by DEA. The Board will seek this change during the next legislative session.

MOTION TO ACCEPT REPORT;

MOTION: GENOVESE

SECOND: BULLEK

MOTION PASSES: VOTE: 6-0

7—PDMP MONTHLY REPORT, MICHELLE RICCO-JONAS, PROGRAM MANAGER

Michele presented her report and discussed the monthly activities of the program. A significant amount of time was spent on the grant process. There will be a \$500,000 grant that begins in October 2015 from the Department of Justice. She also mentioned that the statutory changes to the program addressed by SB 31 take effect July 20th. She reviewed that status of the pharmacist population and the need for further communication with them to enforce the requirement that ALL licensees are enrolled in the program by June 30th, 2015. There are still a significant number of licensees who have not enrolled. The Board said they would send an email reminder to licensees about this requirement. They also agreed to contact the PICs to remind them to make sure all pharmacists working in their stores are properly enrolled.

THEIR WAS NO FORMAL REPORT READY FOR THIS MEETING SO NO MOTION WAS NEEDED.

8—GENOA, NASHUA, NH PHARMACY LICENSE #0805; REQUEST FOR EXTENSION FOR FINAL INSPECTION DUE TO UNEXPECTED DELAYS;

Written request by Genoa for an extension for final inspection. Board discussed the fact that this is an ongoing occurrence with this company and every permit is delayed and extensions given. The Board feels this permit holder is repeatedly asking for extensions possibly because they are submitting their initial applications way too soon in the process.

MOTION TO DENY THE EXTENSION: MOTION: STOUT SECOND: BULLEK

MOTION PASSES: VOTE: 4-2 (PERVANAS/MERCHANT AGAINST)

9—REVIEW OF FINAL PROPOSAL Ph 700 RULES; SUBMISSION TO JLCAR;

The Board reviewed the finished document. Despite the number of late concerns received after the public hearing relating to the requirement of a Pharmacist in Charge exam the Board decided the exam was a necessary function and would be left as presented in the document after the public hearing.

MOTION TO APPROVE Ph 700 and SUBMIT TO JLCAR; MOTION: MERCHANT SECOND: BULLEK

MOTION PASSES: VOTE: 6-0

10—OMNICARE- WAIVER OF Ph 705.03 FOR ADDITIONAL E-KIT IN HOSPICE FACILITY;

After discussion on the need for a waiver for the desired request Omnicare respectfully withdrew their request.

NO MOTION NEEDED.

11—AUBURN PHARMACEUTICALS-WHOLESALE LIC #4391- RENEWAL WITH DISCIPLINE;

MOTION TO APPROVE AND REQUEST A REPORT OF ALL MEDICINES SHIPPED INTO NEW HAMPSHIRE IN THE PAST 6 MONTHS;

MOTION: STOUT SECOND: BULLEK

MOTION PASSES: VOTE: 6-0

12- HOMESCRIPTS.COM; NR APPLICANT WITH DISCIPLINE

MOTION TO APPROVE LICENSE: MOTION: BULLEK SECOND: GENOVESE

MOTION PASSES: VOTE: 6-0

13—REVIEW/APPROVE OUTSOURCE FACILITY APPLICATION PURSUANT TO THE PASSAGE OF SB 202;

The Board reviewed the current status of SB 202. It has passed the House and Senate and is being reviewed by the AG's office. It is expected to be in the Governor's office for signature within the week.

MOTION TO APPROVE THE APPLICATION WITH THE ADDITIONAL STATEMENT OF "CHECK ALL THAT APPLY" PENDING PASSAGE;
MOTION: STOUT SECOND: BULLEK

MOTION PASSES: VOTE: 5-0-1 (MERCHANT RECUSED)

SECOND MOTION TO EXTEND EXISTING MANUFACTURING LICENSES THROUGH JULY 31ST TO ALLOW TIME FOR PASSAGE AND
LICENSURE UNDER NEW REQUIRMENTS; MOTION: STOUT SECOND: PERVANAS

MOTION PASSES: VOTE: 5-0-1 (MERCHANT RECUSED)

14—ROXSAN PHARMACY NR 0962; REVIEW

MOTION TO DENY LICENSE DUE TO FALSIFICATION OF APPLICATION-FAILING TO REPORT DISCIPLINE;

MOTION: PERVANAS SECOND: BULLEK

MOTION PASSES: VOTE: 6-0

MOTION TO ADJOURN THE MEETING;

MOTION: GENOVESE SECOND: STOUT VOTE:6-0

MEETING ENDED 12:16 PM

Respectfully,

Robert J Stout